HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.NO. 20903 OF 2000

DATED: 21.9.2007

Between:

Oggu Venkateswarlu and others

… Petitioners

and

The Andhra Bank, Zonal Office, Nellore,
Represented by its Assistant General
Manager and others

… Respondents

HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.NO. 20903 OF 2000

ORAL ORDER:

The writ petition itself is misconceived.

The petitioners assail the circular dated 12.10.2000 issued by the 1st respondent-bank. The circular reads as under:

> **" All the branches/offices are advised to dispense forthwith the services of the temporary sub-staff appointed at the branches/offices except in cases wherever the matter is sub judice.**
>
> **The above instructions supersede all the existing guidelines issued on the matter.**
>
> **Please note, any violation of the above instructions will be viewed seriously and the concerned Officer will be held personally responsible for violating the above instructions."**

The petitioners claim to have been working under the second respondent in various branches/offices of the bank in Nellore Zone, as sub-staff since 1986, having been sponsored by the relevant employment exchange, pursuant to the requisition of the respondent-bank. A Memorandum of Settlement dated 6.6.1995 is alleged to have been recorded for eventual absorption as and when vacancies arise, of the casually employed sub-staff working for long duration. It is also pleaded that the Andhra Bank Employees' Federation had filed W.P.No.7644 of 1998, seeking regularization of the services of its

members. This writ petition is stated to be pending. Admittedly, the petitioners have not filed any writ petition themselves.

While so, the impugned circular is issued to dispense forthwith the services of temporary sub-staff, except in cases where the matter is ***sub judice***. Since the petitioners are not parties to W.P.No.7644 of 1998, they cannot be considered to be covered by the ***sub judice*** principle. In any event, the cases of the petitioners will require to be considered for regular employment by the respondent-bank as and when vacancies arise and in accordance with any existing scheme of regularization. A blanket mandamus that they ought not to be retrenched or disengaged from active service till such regularization, cannot be granted.

There are no merits. The writ petition is dismissed. The respondent-bank is at liberty to consider the cases of the petitioners for regularization, in accordance with any extant scheme for regularization of casual sub-staff. There shall be no order as to costs.

GODA
RAGHURAM, J

Date: 21.9.2007

cvm